

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Evangelina Forsberg,

Plaintiff,

v.

James Pefanis, et al.,

Defendants.

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CIVIL ACTION NO.  
1:07-cv-03116-JOF

**OPINION & ORDER**

This matter is before the court on Plaintiff's motion that Ron Eckland be incarcerated for his continued civil contempt [222].

In the court's view, the pre-trial discovery and anything the court ordered with respect to pre-trial discovery in *Forsberg* is moot once the trial occurred and the verdict was rendered on October 19, 2009.

While it may now appear that Mr. Eckland never abided by the court's orders in this litigation and the court may have an inherent power to punish him for this alone, civil contempt is primarily aimed at obtaining compliance with an order of the court that is not moot.

The court recognizes that Plaintiff is conducting post-judgment discovery and the court understands her counsel to believe it may again become necessary to impose sanctions on Mr. Eckland.

Plaintiff, however, has not complied with the formalities necessary to reach the point that the court may consider whether it must again impose sanctions on Mr. Eckland. That is, Plaintiff currently has not asked Mr. Eckland to respond or produce anything in the *Forsberg* litigation.

Notwithstanding what the court may have directed Plaintiff's counsel to do in the *Smith* case, the court tried to make it clear with its order of December 9, 2009, in *Smith*, that because the facts on the ground keep changing, the court's earlier direction about filing further motions with respect to Mr. Eckland only in the *Smith* case is no longer practical.

In *Forsberg*, the court expects Plaintiff's counsel to comply with the normal formalities expected in the process of obtaining discovery. The court notes, however, that it is currently considering Plaintiff's motion to compel filed in *Smith* at Docket Entry [157] and as to those matters, it will issue an order without the need for further action on the part of Plaintiff's counsel.

The court DENIES WITH LEAVE TO RENEW Plaintiff's motion that Ron Eckland be incarcerated for his continued civil contempt [222].

**IT IS SO ORDERED** this 11<sup>th</sup> day of December 2009.

/s/ J. Owen Forrester  
J. OWEN FORRESTER  
SENIOR UNITED STATES DISTRICT JUDGE